

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE BUILDING TRADES  
EDUCATIONAL BENEFIT FUND, THE  
BUILDING TRADES ANNUITY BENEFIT  
FUND, BUILDING TRADES WELFARE  
BENEFIT FUND and THE ELECTRICIAN'S  
RETIREMENT FUND,

Plaintiffs,

**ORDER ADOPTING REPORT  
AND RECOMMENDATIONS**

- against -

2:19-cv-3515 (DRH) (AYS)

ROMERO ELECTRIC LLC and JUAN  
CARLOS ROMERO, Individually,

Defendants.

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**HURLEY, Senior District Judge:**

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated July 19, 2021 (the "R&R" [DE 44]), recommending that the Court grant the captioned Plaintiffs' motion for default judgment and award Plaintiffs \$887,353.61 in damages. Judge Shields concluded that (1) Defendants' willful failure to defend the action following their former counsel's withdrawal on October 7, 2020 justified striking their answer and granting Plaintiffs' default judgment, (2) Plaintiffs' allegations established Defendants' liability under the Employment Retirement Income Security Act ("ERISA") and the Labor Management Relations Act of 1947 ("LMRA"), and (3) Plaintiffs demonstrated (a) unpaid contributions in the amount of \$643,741.73, (b) entitlement to pre-judgment interest thereon in the amount of \$100,058.00, (c) liquidated damages in the amount equal of \$128,748.23, (d) audit fees in the amount of \$8,975.79, (e) attorney's fees in the

amount of \$5,220.00, and (f) costs in the amount of \$609.75 – for a total damages award of \$887,353.61.

More than fourteen (14) days have passed since service of the R&R and no objections have been filed. Pursuant to 28 U.S.C. § 636(b) and Federal Rule Civil Procedure 72, this Court has reviewed the R&R for clear error. Having found no clear error, the Court concurs in both the R&R’s reasoning and its result. The Court adds that post-judgment interest at the federal rate is “mandatory” under 28 U.S.C. § 1961(a) and accrues from the date of the entry of judgment until Defendant has satisfied the judgment. *Tru-Art Sign Co. v. Local 137 Sheet Metal Workers Int’l Ass’n*, 852 F.3d 217, 223 (2d Cir. 2017). Accordingly, for the reasons stated in Judge Shields’ R&R,

**IT IS HEREBY ORDERED** that Plaintiffs’ motion for default judgment is granted, and Plaintiffs are awarded (i) unpaid contributions in the amount of \$643,741.73, (ii) pre-judgment interest thereon in the amount of \$100,058.00, (iii) liquidated damages in the amount equal of \$128,748.23, (iv) audit fees in the amount of \$8,975.79, (v) attorney’s fees in the amount of \$5,220.00, and (vi) costs in the amount of \$609.75 – for a total damages award of \$887,353.50 – and (vii) post-judgment interest at the federal rate.

The Clerk of Court is respectfully directed to enter judgment accordingly and to terminate the action.

**SO ORDERED.**

Dated: Central Islip, New York  
August 13, 2021

s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge